

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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HODELL-NATCO INDUSTRIES, INC.	:	CASE NO. 1:08 CV 2755
	:	
	:	
Plaintiff	:	
	:	
	:	
-VS-	:	
	:	<u>ORDER SCHEDULING CASE</u>
SAP AMERICA, INC., et al	:	<u>MANAGEMENT CONFERENCE</u>
	:	
Defendants	:	

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UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is subject to the provisions of Rule 16.1 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). Counsel shall familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court will evaluate this case in accordance with LR 16.1 and assign it to one of the case management tracks described in LR 16.2(a). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and timelines governing discovery practice, motion practice, and trial. Discovery shall be guided by LR 26.1 and motion practice shall be guided by LR 7.1 et seq.

**SCHEDULING OF CASE MANAGEMENT CONFERENCE**

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference ("CMC") on:

**Tuesday, 28 June 2011 at 9:30 a.m.**

**NOTE LOCATION:**      **Chambers of Judge Lesley Wells  
328 Metzenbaum United States Court House  
201 Superior Avenue  
Cleveland, Ohio 44114**

***LOCAL RULE 16.3(B) REQUIRES THE ATTENDANCE OF ALL PARTIES AND LEAD COUNSEL.*** "Parties" means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the facts of the case. "Party" does not mean in-house counsel or someone who merely has settlement authority. If the presence of a party will constitute an undue hardship, a written motion to excuse the presence of such person **must be filed no later than 14 calendar days before the CMC.**

**ELECTRONIC FILING**

Beginning 1 July 2000, **all new civil cases** filed in the United States District Court for the Northern District of Ohio are placed in the Court's Case Management/Electronic Case Files (CM/ECF) system. While it is not necessary that

documents be filed electronically to have them entered into the CM/ECF system, **electronic filing is strongly encouraged** by the Court. Information on the CM/ECF system as well as attorney admission and electronic filing registration forms are available through the Clerk's Office and the Court's web page (<http://www.ohnd.uscourts.gov>).

#### **TRACK RECOMMENDATION**

Pursuant to LR 16.3(a), and subject to further discussion at the CMC, the Court recommends the following track:

☐ Expedited      ☒ Standard      ☐ Administrative  
☐ Complex      ☐ Mass Tort  
☐ Recommendation reserved for CMC.

#### **APPLICATION OF FED. R. CIV. P. 26(a)**

Rule 26(a) of the Federal Rules of Civil Procedure mandates a series of required disclosures in lieu of discovery requests unless otherwise stipulated or directed by order or local rule. All disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures (Rule 26(a)(1)), Disclosure of Expert Testimony (Rule 26(a)(2)), and Pre-Trial Disclosures (Rule 26(a)(3)).

#### **PREPARATION FOR CMC BY COUNSEL**

The general agenda for the CMC is set by LR 16.3(b). Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by Fed.

R. Civ. P. 26(f) and LR 16.3(b). **A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not less than 14 calendar days before the CMC.** The report shall be in a form substantially similar to Attachment 1.

**CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

Magistrate Judge Greg White is also assigned to this case. The parties are encouraged to consider together consenting to the jurisdiction of the Magistrate Judge.

**RESOLUTION PRIOR TO CMC**

If this case is resolved prior to the CMC, counsel shall submit a stipulation or notice of dismissal under Rule 41 of the Federal Rules of Civil Procedure. Counsel must indicate which party shall bear costs and whether the dismissal is with or without prejudice. The stipulation of dismissal must be received by the Court prior to the CMC or the CMC will go forward as scheduled.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 6 June 2011

ATTACHMENT 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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HODELL-NATCO INDUSTRIES, INC.	:	CASE NO. 1:08 CV 2755
	:	
Plaintiff	:	JUDGE LESLEY WELLS
	:	
-VS-	:	<b><u>REPORT OF PARTIES' PLANNING</u></b>
	:	<b><u>MEETING UNDER FED. R. CIV. P. 26(f)</u></b>
SAP AMERICA, INC., et al	:	<b><u>and LR 16.3(b)</u></b>
	:	
Defendants	:	
	:	

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1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b), a meeting was held on

\_\_\_\_\_, and was attended by:  
\_\_\_\_\_, counsel for plaintiff(s) \_\_\_\_\_  
\_\_\_\_\_, counsel for plaintiff(s) \_\_\_\_\_  
\_\_\_\_\_, counsel for defendant(s) \_\_\_\_\_  
\_\_\_\_\_, counsel for defendant(s) \_\_\_\_\_.

2. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and the Court's prior order;  
\_\_\_\_\_ will exchange such disclosures by \_\_\_\_\_;  
\_\_\_\_\_ have not been required to make initial disclosures.

3. The parties recommend the following track:

\_\_\_ Expedited      \_\_\_ Standard      \_\_\_ Complex  
\_\_\_ Administrative      \_\_\_ Mass Tort

4. This case:

\_\_\_\_\_ is suitable for electronic filing.

\_\_\_\_\_ is not suitable for electronic filing.

5. This case is suitable for one or more of the following Alternative Dispute Resolution ("ADR") mechanisms:

\_\_\_ Early Neutral Evaluation

\_\_\_ Mediation

\_\_\_ Summary Jury Trial

\_\_\_ Summary Bench Trial

\_\_\_ Arbitration

\_\_\_ Case not suitable for ADR

6. The parties:

\_\_\_\_\_ do consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

\_\_\_\_\_ do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

7. Recommended Discovery Plan:

- (a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

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(b) Recommended Discovery cut-off date: \_\_\_\_\_.

8. The parties:

\_\_\_\_\_ expect to use expert witnesses in this case.

\_\_\_\_\_ do not expect to use expert witnesses in this case.

9. Recommended dispositive motion date: \_\_\_\_\_.

10. Recommended cut-off date for filing any motion to amend the pleadings  
and/or to add additional parties: \_\_\_\_\_.

11. Other matters for the attention of the Court:

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*Signatures:*

\_\_\_\_\_  
Attorney for Plaintiff(s):

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\_\_\_\_\_  
Attorney for Defendant(s):

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Attorney for Plaintiff(s):

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Attorney for Defendant(s):

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